

Delegated Report		Analysis sheet	Expiry Date:	17/04/2018
		N/A / attached	Consultation Expiry Date:	23/03/2018
Officer			Application Number(s)	
Stuart Clapham			2018/0559/P	
Application Address			Drawing Numbers	
192A Finchley Road London NW3 6BX			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Creation of 3 additional studio flats (C3 use) following previous issue of certificate of lawfulness (existing) for the use of the premises as 10 x residential flats (retrospective).				
Recommendations:		<p>1) Refuse planning permission and warning of enforcement action.</p> <p>2) Further notification of the issuance of an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance. Additionally, officers to be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.</p>		
Application Type:		Full Planning Permission		
Conditions or Reasons for Refusal:		Refer to Decision Notice		
Informatives:				
Consultations				
Summary of consultation responses:		<p>A site notice was displayed from 02/03/2018 to 23/03/2018</p> <p>No comments or objections were received</p>		
Community groups		No comments or objections were received from community groups.		

Site Description

The site is a four storey terraced property on the east side of Finchley Road. The front ground floor of the building is currently used as an estate agency (A2 use). A certificate of lawful development (existing) was issued on 24/10/2014 for the use of the upper floors and rear ground floor as 10 self-contained dwellings, comprising 7 x studio flats, 1 x 1 bedroom flats, and 1 x 2 bedroom flats.

Following this, and without consent, 3 additional flats have been created: 2 x 1 bedroom units at first and second floor have been subdivided to create 4 x studio flats and the 2 bedroom flat at second floor level has been split into 2 x 1 bedroom flats.

Relevant History

This property

EN18/0021. Current enforcement case on the property in respect of the creation of 3 x additional residential units. Enforcement notice issued on 14/02/2018 for the unauthorised works on account of the sub-standard quality of accommodation. The notice requires removal of the three additional studio flats and making good of damage caused within six months of 28/03/2018.

2014/5243/P. Use of the premises as retail (class A1) and 10 self-contained residential units (class C3). **Certificate of Lawfulness issued 24/10/2014**

2006/4104/P. Change of use and works of conversion of the upper floors from 1 non-self contained residential units and one self contained maisonette, to provide 2 x 1-bedroom flats and 1 x studio flat. **Full Planning Permission Granted subject to a S106 Legal Agreement 11/12/2006**

Neighbouring properties

2014/6918/P. 200 A Finchley Road. Use of the rear ground floor, first floor, second floor and third floor as 8 self-contained flats (C3). **Certificate of Lawfulness issued 11/12/2014**

Relevant policies

National Planning Policy Framework (2012)

London Plan (2016)

Camden Local Plan (2017)

Housing

- a. H6 Housing choice and mix
- b. H7 Large and small homes

Transport

- c. T2 Parking and car-free development

Camden Planning Guidance (2018)

- d. CPG 2 – Housing
 - Section 4 (residential development standards)

Assessment

1.0 Proposal

- 1.1 Planning permission is sought for the conversion of 2 x 1 bedroom flats into 4 x studio flats, and 1 x 2 bedroom flat into 2 x 1 bedroom flats, to create 3 additional units at the site.

2.0 Assessment

- 2.1 The principle considerations in the determination of this application are as follows:

- Standard of residential accommodation
- Housing size and mix
- Impact on neighbouring amenity
- Transport considerations

3.0 Standard of proposed accommodation

- 3.1 In conformance with London Plan policy 3.5, Camden Local Plan Policy H6 states that the Council will seek to secure high quality, accessible homes which provide functional, adaptable and accessible spaces (part a). Part (b) of this policy also expects all new self-contained homes to meet the nationally described space standard (NDSS). The NDSS requires a minimum gross internal floor area of 37 sq. m. for single person 1 bedroom dwellings (50 sq. m for a 2 person). A single bedroom should have a minimum space of 7.5 sq. m. with a minimum width of 2.15m. Camden Planning Guidance 5 (Housing) section 4 highlights that a home must provide a place of rest, relaxation, safety, privacy and space. Camden Local Plan Explanatory paragraph 3.139 states that the Council will not sacrifice housing quality in order to maximise housing delivery.

Conversion of 2 x one-bedroom flats to 4 x studio flats.

- 3.2 The two original one-bedroom flats each have a gross internal floor area (GIA) of 21.6 sq. m, significantly below the minimum space standard of 37 sq. m for a 1 person 1 bedroom dwelling. Once further subdivided to form studio flats, this space is reduced to 2 x studio flats of 11.2 sq. m. and 2 x studio flats of 13 sq. m. By reason of their extremely small size, the housing units would provide a severely substandard quality of accommodation, without any separation of kitchen, living and bedroom functions. The bedroom widths in smaller studio flats are only 2m once excluding the width occupied by the kitchen units and appliances. Similarly, bathroom spaces of 0.9 x 1.8m similarly provide a deficient standard of accommodation, with overlapping toilet, washbasin and shower spaces. The extremely cramped standard of accommodation is exacerbated by the absence of any internal storage space. As such, this aspect of the application would be contrary to policy H6.

Conversion of two-bedroom flat to 2 x one-bedroom flats

- 3.3 The original two-bedroom flat had a GIA of 34.1 sq. m., just below the space standard for a single person dwelling. Once subdivided, this is reduced to 17sq. m. and 19sq.m. While the subdivision would still offer some functional separation between kitchen, living and bedroom functions, the standard of accommodation would be well below the minimum space standard. The smaller flat would be single aspect, with no windows serving the kitchen. There would be no daylight or ventilation of this room which is unacceptable. As such, this aspect of the application would be contrary to policy H6. The extremely cramped standard of accommodation is exacerbated by the absence of any internal storage space.

Dwelling size and mix

- 3.4 Policy H7 seeks to ensure that all housing development, including conversion of existing homes, contributes to meeting the priorities highlighted in the Dwelling Size Priorities Table.

This considers market rate 1-bedroom/studio flats to be of lower priority, and 2 and 3-bedroom dwellings to be high priority. The explanatory notes highlight that the proportion of 1-person households in the borough fell in the 2001-2011 period, with projections suggesting relatively little change to this composition throughout the new plan period.

- 3.5 The subdivision of a two-bedroom flat (high priority) to create two one-bedroom flats (lower priority) in a development already dominated by studio flats would be contrary to Policy H7, which seeks to ensure that housing developments include a mix of large and small homes, particularly higher priority dwellings sizes (2 and 3 bedroom units).

4.0 Transport

- 4.1 Local Plan policy T2 seeks to limit the availability of car parking in the borough to reduce car ownership and use through limiting the availability of parking and requiring all new developments in the borough to be car free.
- 4.2 The proposed development would result in an increased population density and thus would potentially generate additional vehicle traffic. Furthermore, the development is situated in a highly accessible location in terms of public transport (PTAL level of 6a). If the development was considered acceptable in all other regards, the Council would require it to be car-free as secured by S106 Legal Agreement.

5.0 Conclusion

- 5.1 The proposed residential dwellings, by reason of inadequate internal floorspace, would be harmful to the amenities of future occupiers, contrary to policy H6 (Housing choice and mix) of the Camden Local Plan 2017.
- 5.2 The proposed residential dwellings, by reason of the loss of a 2 bed unit (which is a high priority dwelling size), would fail to contribute to the creation of mixed and inclusive communities, contrary to policy H7 (Large and small homes) of the Camden Local Plan 2017.
- 5.3 The proposed development, in the absence of a legal agreement to secure the development as car-free, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policy T2 (Parking and car free development) of the London Borough of Camden Local Plan 2017.

6.0 Recommendation

- 6.1 It is recommended:
- a. That the application is refused;
 - b. That the Council proceeds with enforcement action following the issue of an enforcement notice on 14/02/2018 under Section 172 of the Town & Country Planning Act 1990 (as amended) **to permanently remove the 3 additional self-contained units at the front of the property and first, second and third floor levels, to restore each floor to its previous layout, and make good any damage cause as a result of these works;** and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

- 6.2 The notice alleges the following breach of planning control:

The unauthorised conversion of the first, second and third floors at the front of the property to create 3 additional self-contained residential units.

- 6.3 The Notice requires that within six months of the Notice taking effect, the following works are completed:
- a. Permanent removal of the 3 additional self-contained units that have been created at the front of the property at first, second and third floor levels;
 - b. Restoration of the first floor to its previous layout with a 1 x 1 bed self-contained residential unit at the front of the property as shown on certificate of lawfulness granted on 24/10/2014 for the use of the premises as retail (Class A1) and 10 self-contained residential units (Class C3) (Ref: 2014/5243/P);
 - c. Restoration of the second floor to its previous layout with a 1x 1 bed self-contained residential unit at the front of the property as shown on certificate of lawfulness granted on 24/10/2014 for the use of the premises as retail (Class A1) and 10 self-contained residential units (Class C3) (Ref: 2014/5243/P);
 - d. Restoration of the third floor to its previous layout with a 1 x 2 bed self-contained residential unit at the front of the property a shown on certificate of lawfulness granted on 24/10/2014 for the use of the premises as retail (Class A1) and 10 self-contained residential units (Class C3) (Ref: 2014/5243/P); and
 - e. Making good of any damage caused as a result of the above works
- 6.4 The notice specifies the following reasons why the Council considers it expedient to issue the notice:
- a. It appears to the Council that the above breach of planning control has occurred within the last 4 years.
 - b. The 3 additional self-contained residential units that have been created at the front of the property at first, second and third floor levels, by virtue of being under-sized with unsatisfactory levels of residential amenity, have resulted in the provision of sub-standard accommodation to the detriment of existing residential amenity and is contrary to policy H6 of Camden's Local Plan 2017.
 - c. The development by virtue of its provision of a 1 x bedroom self-contained residential units resulting in the loss of 1 x 2 bedroom residential units is considered to be unacceptable as it fails to provide a mix of units in line with the Council's dwelling size priorities table, and is thereby contrary to policy H7 of Camden's Local Plan 2017.
 - d. In the absence of a S106 agreement to designate the three unauthorised additional self-contained residential units as car-free housing, the development would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and is thereby contrary to policy T2 of Camden's Local Plan 2017.